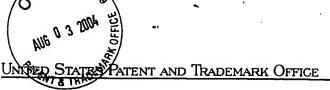


27896

SUITE 400



UNITED STATES DEPARTMENT OF COMMERCI United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS Alexandria, Virginia 22313-1450 www.uspto.gov

APPLICATION NUMBER

FILING OR 371 (c) DATE

FIRST NAMED APPLICANT

ATTORNEY DOCKET NUMBER

10/759,218

ROCKVILLE, MD 20850

1901 RESEARCH BOULEVARD

01/20/2004

Durward I. Faries JR.

1322.0057CNT

CONFIRMATION NO. 6438

FORMALITIES LETTER

OC000000012412081

Date Mailed: 04/21/2004

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

EDELL, SHAPIRO, FINNAN & LYTLE, LLC

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing. Applicant must submit \$ 385 to complete the basic filing fee for a small entity.
- The oath or declaration is missing. A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The applicant needs to satisfy supplemental fees problems indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

 Additional claim fees of \$363 as a small entity, including any required multiple dependent claim fee, are Additional claim fees of \$363 as a small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due. SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is \$813 for a Small Entity

 \$385 Statutory basic filing fee.
 \$65 Late oath or declaration Surcharge.

- Total additional claim fee(s) for this application is \$363
 - \$129 for 3 independent claims over 3.
 - \$234 for 26 total claims over 20.

Replies should be mailed to:

Mail Stop Missing Parts

Commissioner for Patents

P.O. Box 1450

Alexandria VA 22313-1450

A copy of this notice <u>MUST</u> be returned with the reply.

Customer Service Cente

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

Attorney Docket No.: 1322.0057CNT

In re the PATENT application of

Durward I. Faries, Jr. et al.

Serial No.: 10/759,218

Filed: January 20, 2004

For: Method and Apparatus for Monitoring Temperature of Intravenously Delivered Fluids

and Other Medical Items

Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450

Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Sir:

Transmitted herewith for filing in the subject application are a Response to the Notice to File Missing Parts (2 pages), Copy of a Declaration for Patent Application from Grandparent application serial no. 09/539,183 (3 pages); Copy of Notice to File Missing Parts; Two month Petition for Extension of Time (2 pages); Preliminary Amendment (7 pages); Check No. 7899 in the amount of \$210.00 for payment of the two-month Petition for Extension of Time fee; and Check No. 7898 in the amount of \$468.00 for payment of the subject application small entity filing fee and surcharge.

The Commissioner is hereby authorized to charge any additional fees required for the above-identified application or credit any overpayment to Deposit Account No. 05-0460.

Respectfully submitted,

Stuart B. Shapiro

Registration No. 40,169

EDELL, SHAPIRO & FINNAN, LLC 1901 Research Boulevard, Suite 400 Rockville, Maryland 20850-3164

(301) 424-3640

Hand-delivered:





IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re applicati	on of Durward I. Fa	aries, Jr. et al.				
Serial No.:	10/759,218		Examiner:	Unknown		
Confirmation	No.: 6438		Art Unit:	2859		
Filed:	January 20, 2004					
For:	Method and Apparatus for Monitoring Temperature of Intravenously Delivered Fluid and Other Medical Items					
Mail Stop Missing Parts Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450						
RESI	PONSE TO NOTIC	CE TO FILE MISS	ING PARTS	OF APPLICATION		
In response to the Notice to File Missing Parts of Application under 37 C.F.R. § 1.53(e) or (f) mailed April 21, 2004 , enclosed are:						
	copy of the Notice to File Missing Parts of Application Copy of a Declaration for Patent Application from Grandparent application serial no. 09/539,183 (3 pages) Power to Prosecute Application Data Sheet Preliminary Amendment (7 pages) Two month Petition for Extension of Time (2 pages) Check No. 7899 the amount of \$210.00 for payment of the two-month Extension of Time fee. A copy of the Official Filing Receipt marked in red to show corrections that are needed. Please make the following corrections in the Official Filing Receipt:					
	Issuance of a con	rected filing receipt	is respectfull	y requested.		
and th	ne payment of the fo	llowing fee(s):				
	Surcharge	of $$403.00$ (\boxtimes Apple fee for Late Filing of lue: $$468.00$.				

The filing fee and surcharge has been calculated as follows:

	NO. OF CLAIMS	*	EXTRA CLAIMS	RATE	FEE
Basic Applica	tion Fee			,	\$770.00
Total Claims	22	- 20 =	2	x \$18.00	36.00
Independent Claims	2	- 3 =	0	x \$86.00	0.00
If multiple de	pendent claim	s are presented	l, add \$280.00		
Total Application Fee					806.00
Applicant claims Small Entity Status (subtract 50% of Total Application Fee)					403.00
Other fees: Surcharge fee for Late Filing of Declaration					65.00
TOTAL FEE	EDUE	Yas inge			\$468.00

\boxtimes	Check No. 7898 in the amount of \$468.00 for the total fee is attached.
	Please charge \$ to Deposit Account No. 05-0460 for the total fee. This paper is being submitted in duplicate.
\boxtimes	The Commissioner is hereby authorized to charge any additional appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 05-0460.

By:

Dated: 830

EDELL, SHAPIRO & FINNAN, LLC CUSTOMER NO. 27896 1901 Research Boulevard, Suite 400 Rockville, MD 20850 (301) 424-3640 EDELL, SHAPIRO & FINNAN, LLC

Stuart B. Shapiro Reg. No. 40,169

Respectfully submitted by